United Nations A/AC.109/PV.1436

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1436th Meeting

Wednesday, 13 July 1994, 3 p.m.
New York

Acting Chairman: Mr. Bangali . . . . . (Sierra Leone)

The meeting was called to order at 3.10 p.m.

Question of East Timor (A/AC.109/1187) *(continued)*

At the invitation of the Chairman, Mr. Jonathan Birenbaum took a place at the petitioners' table.

The Chairman: I call on Mr. Birenbaum.

Mr. Birenbaum: I am representing Congresswoman Nita Lowey of the United States Congress, 18th District.

The fundamental right of a people to choose its own government has always had strong resonance for Americans. The principle of self-determination is rooted in the idealism of Woodrow Wilson and codified in the Charter of the United Nations. Coupled with decolonization, it has been a major force of democratization around the world.

It is clear that the people of East Timor have never known this right; they have never had the opportunity to elect their own officials or to determine their own future. They were freed in 1975 from Portugal's colonial yoke, only to be burdened with that of Indonesia less than a year later. Numerous human-rights abuses now add greatly to the outrage we must feel at their situation.

As a United Nations Member and a world leader, the United States must help to enforce the United Nations Charter. As a democracy, we must take particular interest in its self-determination provisions. In both of these roles, we must take a strong and coherent stand against the Indonesian presence in East Timor.

In the past, the United States has opted for a balancing act; we have weighed economic and military goals against humanitarian ones, believing that cooperation with the Indonesian Government would induce it to expand human rights. Administrations since 1975 have taken this approach, and it has failed. According to reports from international human-rights groups, including Amnesty International and Asia Watch, the Indonesian Government has not seriously investigated human-rights claims or moved towards compliance with 1993 recommendations of the United Nations Commission on Human Rights.

The United Nations must now take a stronger stand. Rather than allowing ourselves to be put off by the possible consequences of antagonizing Indonesia, we should recall the successful stands we took against repression in South Africa. Our stubborn insistence on human rights guarantees let us watch as government changed and its people reclaimed their rights.

As the Commission on Human Rights has done in the past, we must continue to urge Indonesia to open East Timor to investigators and journalists. Their reports are invaluable in pointing out to the rest of the world the Indonesian Government's weaknesses and lack of support at home.

Indonesia is clearly concerned with its public image; a judge sentenced Fernando Araujo in 1992 to nine years' imprisonment for "disgracing the nation in the eyes of the international community". We must make clear to Indonesia that the way to eliminate embarrassing criticism is not to suppress the critics but to reform treatment of the accused and prisoners.

94-86028 (E)

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Reports alone are not enough, though they help to rally international support. We must also be willing to press hard to ensure that Indonesia's leaders act on the Commission's recommendations, that they are not only aware of their failings but also working to correct them. They must recognize the rights of the Timorese people, and we must oblige them to do so. As the United States House Appropriations Committee has urged, we must put force behind our words, for example, by completely cutting off arms sales until they comply.

As the imprisoned leader of the East Timorese independence movement, Xanana Gusmão, said, "The so-called Indonesian provisional Government was formed over the corpses of the Timorese massacred". Despite the Indonesian Government's claims to the contrary, there has been no valid act of Timorese self-determination. Nor can "cultural differences" obscure the Government's abuses. The detention of prisoners without legitimate trials and government complicity in massacres are criminal, wherever in the world they occur.

We must solidify our position. Indonesia must be made to recognize that the human rights of the Timorese, and of its own citizens, are non-negotiable.

Only a referendum among the East Timorese themselves can legitimately determine their status. Until the people's votes are counted and their voices heard, the international community and its principle of self-determination cannot be satisfied.

I appeal to this Committee, to the United States and to the rest of the world to recognize the clear danger to universal human rights that Indonesia's flagrant violations present. In standing up for the rights of the East Timorese, we will be standing up for the rights of all free peoples.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Charles H. Norchi (International League for Human Rights) took a place at the petitioners' table.

The Chairman: I call on Mr. Norchi.

Mr. Norchi (International League for Human Rights): On behalf of the International League for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council, I want to thank members for the opportunity to speak before this Committee today. The question of decolonization and self-determination that this Committee regularly addresses have long concerned the International League. Since our founding in 1941, we have rendered assistance to advocates of independence from over 30 countries that have since become Members of the United Nations. In fact, one of the League's proudest achievements in this regard was the assistance we provided to Mr. Mohammed Hata, one of the founding fathers of Indonesia, a man who worked tirelessly for his country's independence from its Dutch colonial rulers.

It is therefore with a sense of irony and sorrow that we once again find it necessary to appear before this Committee, to protest Indonesia's denial to East Timor of the rights of self-determination and equality that it so properly sought for itself almost 50 years ago.

The International League for Human Rights has been active regarding the situation in East Timor since Indonesia's invasion and purported annexation in 1975. We first spoke on this matter before the Fourth Committee in 1978 and we have appeared many times since, before the General Assembly until 1982, and subsequently before this Committee. On each of these occasions we have emphasized the illegality of Indonesia's actions, the ways in which these actions constitute flagrant breaches of the United Nations Charter and of the relevant resolutions of the Assembly interpreting the Charter on both the use of force and the juridical principles of self-determination.

In particular, the League has often argued that Indonesia's claims regarding the "incorporation" of East Timor do not meet the requirements of Principle IX of General Assembly resolution 1541 (XV), well known to this body, which addresses the method by which a Non-Self Governing Territory can become voluntarily integrated with another State. The ways in which the Indonesian "incorporation" fails to satisfy Principle IX are numerous: the Regional Popular Assembly of East Timor that Indonesia created for annexation was not formed on the basis of one person, one vote, nor was there serious debate on integration, nor were other choices offered to that Assembly. But more important than the unrepresentative makeup of the Regional Popular Assembly or its processes is the fact that no true choice was possible in the context of what was an ongoing military invasion. Under such conditions it is hard to make the claim that a Territory that has known independence for only two weeks prior to a massive invasion has attained the "advanced state of self-government" that Principle IX requires. The United Nations well understood that the Regional Popular Assembly was not an acceptable vehicle for a choice on

integration and hence rightly declined to observe, and hence lend legitimacy to, its proceedings.

But this afternoon there is no need to dwell on these and other legal arguments. Not only have we in the League made those arguments many times before, but they are well known to the relevant United Nations organs. As this Committee knows all too well, both the General Assembly and the Security Council have deplored Indonesia's use of force and have called for self-determination for the people of East Timor. The General Assembly has rejected the claim that East Timor has been incorporated into Indonesia, inasmuch as the people of the Territory have not been able to exercise fully their right to self-determination and independence. The arguments of the Government of Indonesia arguments as to how it has actually allowed for self-determination in East Timor have wisely and in no uncertain terms been rejected.

We repeat these facts before this body today not to advance new arguments as to Indonesia's having acted in flagrant violation of international law, but only to remind the Committee of what has already been determined. As we discuss the human rights situation in East Timor, the International League for Human Rights requests this Committee not to forget the backdrop: an occupation that has been deemed illegal by the United Nations of a nation that has never known self-determination.

According to foreign journalists, non-governmental organizations and reports to the United Nations, fundamental human rights continue to be widely abused in East Timor, as other petitioners have attested and will attest today. The central problems are an atmosphere of fear created by the large military presence and the treatment of individuals who are suspected of having pro-independence sentiments, even if these sentiments are expressed peacefully. To give the Committee a recent example, three East Timorese - Issac Soares, Miguel de Deus and Pantaleao Amaral - were just last month sentenced to 20 months in prison for shouting pro-independence slogans to foreign journalists in April. These detained Timorese were reportedly tried, as many independence activists are tried in East Timor, without appropriate legal counsel during either interrogation or trial periods.

The very serious human rights problems on the island continue to be noted by the United Nations itself. In early 1994, the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances all filed reports with sections addressing East Timor.

The Special Rapporteur on the question of torture included in his 1994 report several well-documented accounts of torture of political prisoners in East Timor, which he had forwarded to the Government of Indonesia in 1993.

The Special Rapporteur on extrajudicial, summary or arbitrary executions wrote in his report that

> "East Timor continued to be particularly affected by violations of the right to life perpetrated by the Indonesian security forces" *(E/CN.4/1994/7, para. 344)*

and stated his concern that "perpetrators of human rights violations continue to enjoy impunity." *(ibid., para. 355)*

The Working Group on Arbitrary Detention assessed the case of Fernando de Araujo, an East Timorese who was arrested in Bali and sentenced to nine years imprisonment for protesting against the massacre of peaceful demonstrators by Indonesian troops on 12 November 1991 at the Santa Cruz cemetery in Dili. The Working Group decided that his arrest and continued detention were arbitrary, that his trial did not meet international standards for fairness, and that there was evidence that he might have been tortured while under detention.

During 1993, under its urgent-action procedure, the Working Group on Enforced or Involuntary Disappearances transmitted to the Government of Indonesia 17 new reports of cases of disappearances of persons who had been reportedly arrested in Dili without a warrant and held incommunicado. In its response, the Government of Indonesia called these cases fabrications, but was unable to provide information on the whereabouts of any of the individuals mentioned.

Indonesia may claim that the rapporteurs and working groups have received false reports. However, if the Government of Indonesia had wanted to facilitate access to information, it could have invited the working groups and rapporteurs to East Timor to assess the situation for themselves, an action which Commission on Human Rights had strongly urged the Government of Indonesia to undertake.

As we look to these branches of the problem we cannot forget their fundamental root: decolonization has

never reached East Timor. The nation has travelled directly from domination by the Portuguese to domination by the Indonesians, never having had the chance to assert its own destiny.

In this way, the abuses of human rights in East Timor are not isolated outbreaks of cruelty, but symptoms of something much more systematic. Put simply, there would not be human rights violations by the security forces in East Timor if there were not more than 5,000 Indonesian troops and military intelligence officers occupying the Territory. There would not be troops occupying East Timor if they were not needed to suppress the population's desire for independence. And the population would not be crying out for independence if it were allowed to exercise that most fundamental of rights, the right to self-determination.

East Timor proves once again the broad importance of self-determination as a principle of international law. When it is denied, ignored or forgotten the price is paid in human suffering. Such is the case in East Timor, a nation where all human rights are in jeopardy because a fundamental right - the right of a Non-Self-Governing Territory to choose its juridical status - has not yet been realized.

There is some urgency to this matter. Last July the League brought to the attention of this body a practice which, if continued, could prevent the East Timorese from ever being freely able to choose their status. I am referring to "transmigration", the Indonesian resettlement policy whereby population is transferred from densely populated to sparsely populated areas of the archipelago. This policy, whatever its merits for Indonesia proper, takes on far more foreboding overtones when applied to East Timor. An article in the *Observer* in May 1993 estimates that half the population of Dili was born outside of East Timor and about a third of the total population is now made up of immigrants. Edward Theberton, a journalist for the Australian daily *The Age*, who travelled to East Timor in February, received reports that two ships arrived in Dili per week carrying Javanese settlers who were provided with backdated identity cards so that they would be able to vote if a plebiscite on East Timor's future were to take place.

Resettlement of Indonesians into East Timor, as we pointed out last year, runs counter to at least two significant international instruments - Article 49 of the Fourth Geneva Convention of 1949, to which the Government of Indonesia is a party - and General Assembly resolution 35/118, containing the "Plan of Action for the Full Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples". Both of these instruments contain rather blunt legal obligations, the Geneva Convention prohibiting the transfer by the occupying Power of

> "parts of its own civilian population into the Territory it occupies." *(Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, Article 49)*

and resolution 35/118 coming out against the same actions, particularly when they

> "may constitute a major obstacle to the genuine exercise of the right to self-determination and independence by the people of those Territories." *(resolution 35/118, Annex, para. 8)*

In conclusion, we come here today with the realization that no resolution that the Committee adopts on this matter will by itself bring decolonization and self-determination to East Timor. The United Nations, as we all know, is often unable to implement its own decisions, no matter how fair and how just those decisions may be. But the point is that the United Nations and its various bodies can still make those decisions, can still affirm and promote what is lawful and what is just. What is important is that the East Timorese continue to strive for self-determination and that this Committee can play an important role in helping them realize their legitimate claims under accepted principles of international law.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Constancio Pinto (National Council of Maubere Resistance) took a place at the petitioners' table.

The Chairman: I now call on Mr. Constancio Pinto.

Mr. Pinto: I am Constancio Pinto, representative of the National Council of Maubere Resistance to the United Nations.

Allow me to explain the organization that I belong to. The National Council of Maubere Resistance is the main organization of East Timorese nationalists struggling for self-determination and independence. The National Council of Maubere Resistance was created in 1988 by resistance leader Xanana Gusmão as a unifying non-partisan body

bringing together the Timorese political forces and all the underground East Timorese political resistance groups operating in East Timor and Indonesia.

The National Council of Maubere Resistance has thus emerged as the organization embodying all currents of East Timorese nationalism and is the chief vehicle through which it is expressed, both inside Indonesia and occupied areas and on the diplomatic front operating overseas.

The National Council of Maubere Resistance's leadership inside East Timor is grouped into the Executive Council of the Armed Resistance, made up of four people, and the Executive Council of the Clandestine Front, made up of five people. The Armed Resistance is led by FALINTIL, whose main leader is Nino Konis Santana, who is also the chief of the Revolutionary Front for an Independent East Timor (FRETILIN). The Clandestine Front is led by Mr. Sabalae.

Aware of the country's location, the National Council of Mauberre Resistance believes in close and harmonious relations with all neighboring States in Asia and the South Pacific. The independent Republic of East Timor will seek membership in both the Association of South-East Asian Nations (ASEAN) and the South Pacific Forum. Close ties with Portugal will also be maintained, given the high moral standing it has shown through its abiding commitment to East Timorese self-determination.

East Timor is at the crossroads of three major cultures and religions: the Melanesian, binding its people to the South Pacific; the Malay-Polynesian, as many East Timorese trace their roots to South-East Asia; and the European, a result of the four centuries of Portuguese Catholic presence. These influences give the East Timorese nation-State a distinctive character. It could be a valuable partner for ASEAN and South Pacific Forum member States in their relations with the European Union, Africa and Latin America. The majority of East Timorese exiles are resident in Australia and Portugal. They could contribute to East Timor's role as a bridge between their adopted countries and South Pacific States.

The National Council of Maubere Resistance envisages an independent republic of East Timor without a standing army. External security will rely on a treaty of neutrality, guaranteed by the permanent members of the United Nations Security Council. Working with its neighbours and the United Nations, East Timor will endeavour to declare the country's surrounding seas a zone of peace and to work towards demilitarization of the South-East Asian and South Pacific regions. The National Council of Maubere Resistance aspires to a strong democratic State based on the rule of law, emanating from the will of the people expressed through free democratic elections. The development of a free information media, as independent as the judiciary, will be encouraged. Firmly believing in the universality of human rights, transcending State boundaries and prevailing over State sovereignty, an independent East Timor will contribute to the strengthening of human rights. The creation of an international human rights court and a penal court to try crimes against humanity will be actively supported. All human rights treaties will be submitted to the East Timorese parliament for ratification.

Free education and health care are essential for the welfare of the population, and thus significant investments in these areas will be required. The money saved from not supporting a standing army will be well used in these areas. A healthy, sane and happy society cannot be based on hatred and revenge; therefore, a general amnesty and national reconciliation will be proclaimed, aimed at forgiving current enemies.

Because of its credibility and good standing over the past 20 years, the East Timor Church will be expected to play a major role in the healing process. The issues of resettlement for the many thousands uprooted throughout the last two decades, as well as compensation for properties lost, will need to be addressed. Also, over 100,000 Indonesians have settled in East Timor, many of them looking for a better life. Those who are willing to abide by East Timorese laws and live in harmony as members of society will be welcome to stay and join in building a better future for everyone. The wealth of their culture could be an enriching contribution to the future of East Timor.

East Timor is potentially self-sufficient in most agricultural goods, meat and fish. It has large oil reserves and other minerals. After independence economic resources will be channelled into food production for the population. Government policies will be a result of close consultation with the people in each region, town and village. The cooperation of United Nations specialized agencies will be sought to implement a reforestation programme to save the badly damaged environment. International partnership in the exploration of underground natural resources, such as oil, will be sought. However, the environment must not be sacrificed for short-term gains. The "Timor Gap Treaty" will be looked at, clarification will be sought, and it will be renegotiated. The sea boundary dispute will have to be settled through an international tribunal.

Consistent with the enhanced peacemaking role of the United Nations, the National Council has advanced a plan to assist the Secretary-General's mandate to find a solution to the East Timor conflict. The plan is congruous with statements by East Timor Catholic Church leader Bishop Belo, and consistent with current United Nations and Portuguese approaches. It has also received support in the United States Congress, Europe, Canada and Japan. Indonesia's friends have been able to perceive its value as a potential means of assisting Jakarta to conveniently extricate itself from its East Timor quagmire.

Allow me, Mr. Chairman, to elaborate on the Council's peace plan.

Phase one will consist of: Indonesia-Portugal talks under the auspices of the United Nations Secretary-General, with East Timorese participation, to achieve an end to armed activities in East Timor; release of political prisoners; reduction of Indonesian military personnel; removal of armaments; expansion of the activities of the International Committee of the Red Cross; reduction of Indonesian civil servants; population census; access by United Nations specialized agencies for restoration and protection of the environment, resettlement, district development, women and child care and public health and immunization; restoration of all human rights; removal of restrictions on Portuguese and Tetum languages; setting up of an independent Human Rights Commission; establishment of a United Nations headquarters in East Timor.

Phase two, lasting five years, is autonomy, a transition stage of autonomy, in which East Timorese will govern themselves democratically through their own local institutions. This will require democratic elections of a local Assembly with a five-year mandate under the supervision and with the assistance of the United Nations. Only East Timorese may vote and be elected. The phase will involve: election of an East Timorese Governor for a five-year term by the Assembly, Assembly powers to include legislation concerning international trade relations, investment, property, immigration and other matters; withdrawal of all Indonesian troops and further reductions in the number of Indonesian civil servants; territorial police force organized by the United Nations placed under the command of the Governor. The Territory is to have no army. Phase two may be extended by mutual consent between Indonesia and the East Timorese population, expressing their views through a referendum.

Phase three - self-determination - covers preparation for a self-determination referendum, to be held within one year of the commencement of this phase, whereby the population may choose between free association, integration into Indonesia or independence.

Now I would like to provide information about the current situation in East Timor.

A report by the Head of the Executive Council/Armed Front, Nino Konis Santana, dated 16 June 1994, shows that members of the Indonesian security forces continue to engage in gross and systematic abuses of human rights. The Nino Konis Santana report referred to an incident that took place on 6 May 1994 in the locality of Uelau, approximately three kilometres west of the village of Mau Kate, stating:

> "A young boy named Marcelo, son of Mau Buti and Si Mau, was assassinated by an Indonesian military patrol.
>
> "Marcelo and his three brothers went on a food hunting expedition ('Sari hidup') with a permission granted by the local military authorities. The brothers' dog spotted a deer, chased it, and after hunting the deer down killed it. The boys made a fire to cook the deer and when the smoke rose from the fire, it attracted the attention of one platoon from either battalion 745 or 717 operating in that zone. The soldiers went in the direction of the smoke and surrounded the four boys, who were unarmed civilians. In spite of knowing that, the commander of the platoon ordered his men to open fire, emptying a full magazine from M-16 automatic rifles, as if they were firing on armed guerrilla fighters in open combat. Marcelo was shot in the stomach, and could not move, while the other three were able to escape. Marcelo called out, identifying himself, but the soldiers continued to fire. The commander then ordered that a hand grenade be thrown to kill Marcelo. As if this was not enough, the commander put Marcelo's dead body against a tree and invited his soldiers to see what a good shot he was and how they should shoot the 'GPK' (security disturbers) and their supporters, and proceeded to empty another magazine into the boy's corpse. Marcelo's heart was expelled from his body out through his back. After this inhuman crime, they threw his dead body into the river and cracked open his skull with rocks."

Marcelo's case is not isolated. On 10 June six prisoners were removed from Dili to Semarang prison in Java without their families being informed. The six prisoners are Francisco Miranda Branco, Jacinto Alves, Filomeno Pereira, Juvencio Martins, Gregorio Saldanha and Saturnino da Costa.

Others cases include that of Jose Manuel da Silva Fernandes, a young boy, arrested in January 1992, who is now being held by the army in Vikeke and is not allowed any visits by the International Committee of the Red Cross or by his relatives. Horacio da Costa, arrested in Same in August 1992, is now being held by the army in Betano.

The situation prevailing in East Timor is characterized by an escalation of military aggression and intensification of political repression. Solemn commitments made by the Foreign Minister of Indonesia, Mr. Ali Alatas, to the Commission on Human Rights and to the Secretary-General, in New York on 17 September 1993 and at the Geneva talks on 6 May 1994, have been systematically violated. The practice of torture is routine.

We hope that the Indonesian authorities will allow Mr. Bacre Waly Ndiaye, the United Nations Special Rapporteur, who is now in East Timor, to investigate all these atrocities, and especially to investigate the massacre of 12 November 1991 and that at the Military Hospital in Dili, both shown in the film "Death of a Nation".

To conclude, I wish to express our gratitude to the Secretary-General of the United Nations for his steadfastness in addressing the problem of East Timor and seeking a just and lasting solution based on our inalienable right to self-determination. We hope that, by the time we arrive at the meeting with the Foreign Ministers of Portugal and Indonesia, real progress will have been made in the human rights situation in East Timor and in the discussions of the political aspect of this problem.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Maureen Tolfree took a place at the petitioners' table.

The Chairman: I call on Mrs. Tolfree.

Mrs. Tolfree: May I first of all thank the United Nations Special Committee for allowing me to present a petition to that session.

My name is Maureen Tolfree and I am from Bristol in England. I am the sister of Brian Peters, one of the five journalists murdered in Balibo, East Timor, on 16 October 1975. Brian, who was four years younger than I, was the oldest of my three brothers. He went to Balibo on assignment as a cameraman for Channel 9 Television, Sydney, Australia.

I have a personal interest in all this, as I was not only his sister but almost his mother. Our mother left home when I was 15, so it was left to me, with my father, to bring up my brothers.

My brother died a terrible death when he was trying to help the people of East Timor. I have come here to speak to you because I know that he would have wanted to call on this Committee to do everything possible to enable the East Timorese people to decide on their own future.

Committee members will understand from what I have to say why I never came to speak here before.

When he was about 18, Brian emigrated to Australia. In September 1975 he wrote and told us he had had an incredible week in a place called East Timor. Though there had been some fighting between the Revolutionary Front for an Independent East Timor (FRETILIN) and the Democratic Union of Timor (UDT), he and Gerald Stone, his news director from Channel 9, discovered that FRETILIN was in control of most of Dili. When he left, he helped a group of 140 UDT refugees go to Darwin. He also brought out an urgent appeal from the then-president of FRETILIN, Francisco Xavier do Amaral, addressed to "the brotherly people of Australia" asking for help. Amaral spoke of his people's "inalienable right" to "total and complete independence" and asked the Australian people to "give the Timorese people help in order to avoid any foreign intervention".

Because Brian had done well on his first assignment, he was asked by Channel 9 to go on a second assignment to East Timor. That was when he went to Balibo.

I first learned of what happened to Brian there when his ex-girlfriend phoned me on 18 October to say that he had gone out there with four other journalists and that four bodies had been found. She told me the fifth man had not been found, so we hoped and prayed that it might be Brian, and that he might be in hiding.

The following Monday, 20 October, Gerald Stone phoned me from Australia to say that all five journalists

had been killed. He said we would receive a telegram, which we did. There seemed to be a lot of confusion, but we heard no more news. Later I felt I had to do something, so I went to Australia on 20 November 1975 to sort out Brian's effects. It was all very distressing.

Soon after I arrived in Australia, I had a phone call from the Foreign Affairs Minister Andrew Peacock - or perhaps it was from an official in his department - saying how sorry he was about the death of my brother but that "there was nothing I could do or say in the matter that would help in any way".

On my way back from Australia, Qantas workers were on strike and I had to take a charter flight to Jakarta and pick up a Pan Am flight from there to England. Someone told me the remains of my brother would be taken to Jakarta, so I thought I should try to stop by in Jakarta and asked the air hostess to arrange this. She did this for me, and when I arrived four soldiers came to fetch me from the plane. I assume they were soldiers - they wore khaki uniforms and had guns in their holsters. They did not speak to me but escorted me across the tarmac to a room where I was held for 15 minutes under guard.

Then the phone rang and the guard indicated that I should pick it up. I think it was either the British or Australian consulate. They told me that they could not guarantee my safety and that it would be better if I got back on the flight. They also told me that my brother's remains had not been brought through, which was not true because apparently they had been brought through on 12 December and it was then 26 December, I think.

Back in Bristol, I got two letters from my Member of Parliament, Tony Benn. The second letter was about the personal effects of the five missing journalists and the four boxes which contained the remains of four of the journalists. The letter said,

> "the Australian embassy doctor confirmed that positive identification of the bodies was not possible".

It also said,

> "the authorities handed over documents and a camera said to have been found beside the body of a fifth European whose remains had been burned".

Later I read a *Newsweek* report of 10 November 1975 which said that one of the journalists,

> "Malcolm Rennie, reported shortly before the battle that he had film of Indonesian warships and helicopters taking part in the fighting on Timor ... . 'It's no secret that Indonesian troops are crossing the border,' said one Australian diplomat in Canberra last week. 'And the last thing they want is to have a foreign TV crew catch them red-handed.'"

The *Newsweek* report was illustrated by three photos. One was of the building used by the TV crews with "AUSTRALIA" written in huge letters across its wall. Two smaller photos of Brian and Malcolm Rennie were captioned: "Strong suspicions of foul play."

Apart from the statements by Australian officials and an account of an investigation that was said to have been conducted into the five deaths, which suggested that they had died in mortar fire, I heard nothing more.

I had some clippings, but every time I looked at them I got upset and so did my father. I couldn't risk upsetting him. He suffered three heart attacks between Brian's death and his own death in 1990 so I let things lie, meaning to do something eventually.

Then, some months ago, I heard on a radio programme that John Pilger, an Australian journalist working in England, would be speaking about East Timor. Then I heard of a demonstration about East Timor in Bristol in March this year. For the first time, I realized that many people in the United Kingdom were working for East Timor.

Since then I have discovered many amazing things. I have heard that journalists tried to contact me and my father after Balibo but were told by the British Foreign Office that we were not interested. I have also found out that the Foreign Office was informed about the deaths of the five journalists within 24 hours. They knew the details, knew that the Indonesians had killed those men, knew it officially from the Australian Defence Minister, but had hidden the fact.

So why am I here and what do I want? Many things. I want the Committee to call for the people of East Timor to have an internationally supervised referendum on their future. I also want Governments, including my own, to stop lying about East Timor. I want to know why my brother and his colleagues are buried in Jakarta. I want their bodies to be reburied in East Timor or Australia, as their surviving relatives want. I want a properly conducted investigation into the deaths of the five journalists. But

most of all, I want everything possible to be done for the people of East Timor. I am 100 per cent sure that that is what Brian would have wanted if he had not been murdered.

I should like to close by showing this plaque to members of the Committee. It was awarded to my brother posthumously by Thorn-EMI for his coverage of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Michael van Walt von Praag (Unrepresented Nations and Peoples Organization) took a place at the petitioners' table.

The Chairman: I call on Mr. van Walt van Praag.

Mr. van Walt van Praag: We are pleased to address this Committee today as it once again reviews the situation in East Timor. East Timor, represented by the National Council of Maubere Resistance (CNRM), is a member of the Unrepresented Nations and Peoples Organization (UNPO). The member nations and peoples of UNPO, now numbering over 40, work together to realize their legitimate aspirations through non-violent means. For some UNPO members, such as East Timor, those aspirations include decolonization of their nation and the full exercise of their right to self-determination. I have come to present this petition personally because of the importance UNPO places on the question of East Timor and on the work of this Committee.

The right to self-determination of the people of East Timor is recognized by the United Nations and is legally beyond question. The invasion of East Timor by Indonesia in 1975 was condemned several times by the United Nations Security Council. Resolution 384 (1975) of 22 December 1975, for example, not only condemns the invasion but also calls on Indonesia to withdraw its armed forces without delay and reaffirms East Timor's right to self-determination. Yet, for 19 years the Government of Indonesia has persisted in violating its international obligations. That in no way diminishes the people's right to the full realization of its inalienable right to self-determination. If anything, in fact, the brutal treatment of the people, which has resulted in the death of one third of the entire population of that nation, strengthens not only the claim to self-determination but also the obligation of the international community, and in particular of the United Nations, to take measures to ensure its full and free realization. UNPO's General Assembly resolution (GA3/1993/11), adopted on 24 January 1993, strongly condemned the:

> "continuous gross violations of human and indigenous rights of the people of East Timor" .

We are pleased at the continuing efforts of the United Nations Secretary-General, Boutros Boutros-Ghali, to seek a just, comprehensive and internationally acceptable settlement to the question of East Timor in successive rounds of talks with Indonesia and Portugal. We have followed the fourth round of meetings with the Foreign Ministers of Indonesia and Portugal in Geneva in May 1994 with great interest. UNPO believes, however, that it is imperative, in seeking a just and lasting solution to the question of East Timor, to include the representatives of East Timor in the Secretary-General's talks.

At the last round of talks, Indonesia and Portugal declared their readiness to meet with "leading East Timorese supporters and opponents of integration". The Secretary-General of the United Nations should do no less. We urge that he meet with the Chairman of CNRM, Mr. Xanana Gusmão, and the CNRM Special Representative, Mr. Ramos Horta, before or as part of the next round of talks to be held in January 1995. We propose that this Committee recommend this course of action to the Secretary-General. The Government of Portugal must be complimented on its continuing efforts on behalf of the people of Timor. Nevertheless, the problem cannot be solved without the participation of the leaders of the East Timorese resistance themselves, regarded by their own people as the legitimate representatives of East Timor.

UNPO believes that the East Timor peace plan first articulated by the resistance leader Xanana Gusmao and then officially presented by CNRM Special Representative, Jose Ramos Horta, to the Political Committee of the European Parliament in 1992 - and about which we have heard detailed information today - provides the best basis for a process that can lead to a just and lasting peace. This 3-phase plan is consistent with statements by Bishop Belo, the East Timor Catholic Church leader, and has been endorsed by Portugal, which presented it to the United Nations Secretary-General. We recommend that the plan be used as a basis for discussion both by this Special Committee and by the Secretary-General in discussions with Indonesia, Portugal and East Timor.

In a recent interview quoted in *The Times* of London on 8 July 1994, interview Bishop Belo denounced the

"routine nightmare" suffered under Indonesian occupation. He reiterated the need for a referendum to decide the future status of East Timor and called for a "special status" of autonomy for the interim, according to an interview published by the Catholic Institute for International Relations. The requirement of a referendum and the need for a special autonomous status in the interim are both also contained in the 3-phase peace plan to which I referred earlier.

Bishop Belo also rejected the attempts by some to hold "reconciliation talks" which would not include all Timorese leaders, particularly those of the CNRM, FRETELIN and UDT. In line with the United Nations Secretary-General's views, expressed in point 8 of the statement on the question of East Timor released by the United Nations on 6 May 1994, we believe that all intra-Timorese dialogue must take place under the auspices of the United Nations Secretary-General.

Bishop Belo should be praised for his consistent efforts to promote the interests of the people of East Timor through peaceful means. He has succeeded in preventing worse outbursts of violence and repression on the island through moderation and continues to speak out on the human rights abuses inflicted upon his people by Indonesian authorities, despite the great risks of doing so - in fact, there have been two attempts to kill the Bishop. The first was shortly after he sent a secret letter to then United Nations Secretary-General Javier Perez de Cuellar in 1989. The second attempt was in 1991. In the letter to Mr. Perez de Cuellar, Bishop Belo called for a genuine and democratic process of decolonization to be initiated in East Timor and for a referendum.

In the letter, Bishop Belo wrote:

> "Indonesia says that the people of East Timor have already chosen integration, but the people of Timor themselves have never said this. And we continue to die as a people and a nation".

At the last round of talks in Geneva, the need for access to East Timor for the United Nations, human-rights organizations and humanitarian organizations was once again stressed. This was in keeping with the Commission on Human Rights' "consensus declaration", adopted in Geneva on March 9 of this year. The Special Committee on decolonization should be informed, however, that in practice access is still very limited. UNPO, for one, had twice asked for permission to visit East Timor with human-rights experts, but received no response. A third request was sent to the Foreign Minister of Indonesia in May and again this week, and I enclose the letter as an annex to this statement. After the renewed commitment made by His Excellency Mr. Ali Alatas to the United Nations Secretary-General during the talks in May, we hope a favourable reply will be obtained in the near future.

In closing, I should like to quote from the text of Xanana Gusmão's defence plea, which he tried to read out, but was prevented from doing so, at the close of his trial in Dili on 17 May 1993, four days before he was sentenced to life imprisonment. Xanana Gusmão has become the Nelson Mandela of East Timor, which the conscience of the world cannot ignore. He must be released if peace and justice are to be restored to East Timor. In his words:

> "The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, a case where the decolonization norms of the United Nations have been manipulated, a case where Indonesia has disregarded the resolutions of the United Nations, a case, therefore, of the flagrant violation of the principles of the Non-Aligned Movement and of the universal pattern of law, peace and justice".

The petitioner withdrew.

At the invitation of the Chairman, Ms. Sally K. Levison (Catholic Institute for International Relations) took a place at the petitioners' table.

The Chairman: I call on Ms. Levison.

Ms. Levison: The Catholic Institute for International Relations (CIIR) has continued to monitor the situation in East Timor since we presented our petition to this Committee last year. Throughout the year we have continued, loudly and clearly, to hear the cry of the people of East Timor, especially its mothers, for freedom, for justice and for the return of their children, still missing and unaccounted for since the Santa Cruz massacre of November 1991, in which at least 273 people died.

In their heart-rending appeal to the First Lady of the United States of America last autumn, these mothers spoke of the silence of this immense sorrow, of not knowing where their beloved, martyred children are buried. Yet they still knew where they stood:

"We are a little people, frail in all aspects of life, but we wish to keep alive the flame of our resistance, which identified us as a free and honourable people".

Nothing can be more distressing than the disappearance of one's child: the constant hope that each day brings of the longed-for return, the dashing of the same hopes as the sun sets without news, and the inability to mourn and come to terms with death - which might at least resolve the pain of the relentless incertitude of days, months and years of waiting.

Yet how many children have disappeared, never to return, in this ravaged land? How many more have yet to do so, whisked away by soldiers in the dead of night, beaten, tortured, disfigured, buried in unmarked graves?

How can we hope that the Indonesian military will change the habits of years of abuses, and take pity? In a letter last autumn to a friend, Bishop Belo said:

"We are living in an environment of terror and pressure. The Indonesians are saying that they have already withdrawn battalions from East Timor, but it is not true. On the contrary, they are increasing the presence of military units in all places ... as long as there is not a reduction in military forces or reduction in military personnel, this is purely and simply a military occupation and dictatorship."

CIIR is concerned for the safety of not only of all East Timorese people who choose openly to manifest their rejection of Indonesian rule, but especially of its representatives among the Roman Catholic clergy. We are concerned for Bishop Carlos Belo, apostolic administrator of the diocese of Dili. It has come to our attention that the Catholic Church has been placed under increasing pressure since Bishop Belo came to the assistance of those who took part in the Santa Cruz demonstration.

According to the accounts of both the Bishop and the clergy and religious inside East Timor, the Indonesian military regularly intervenes in church affairs, harasses churchgoers with threats and accusations, and sows vindictive disinformation in a blatant attempt to discredit its personnel. There have been attempts on the life of the Bishop, as well as his clergy, and it is our view that they conduct their duties in a situation of daily danger. We know that neither the Bishop nor the East Timorese clergy fear death, and that they look to the martyred Bishop of El Salvador, Archbishop Oscar Romero, for inspiration. Archbishop Romero was assassinated by death squads while saying Mass in March 1980. Throughout his life he spoke out fearlessly against injustice and oppression.

As Bishop Belo says, the current situation will never bring about United Nations approval of the integration of East Timor into Indonesia while

"the people still live in fear. They don't dare go out at night. Many people, including the young, are called for interrogations ... If people talk about their rights, they are accused of being members of FRETILIN or the clandestine".

The Bishop calls for autonomy to be granted to East Timor, in which its religious traditions can be respected. The referendum, for which he first called in 1989, is both "necessary and urgent". As he says,

"If the situation has improved, and people already live in calm and quiet, why should we be afraid of a referendum?"

The issue of East Timor is political and can be settled only by careful and protracted negotiation. In recalling the United Nations Charter, which states that it is the sovereign people alone who should determine their future, we would underline that the United Nations mandate will be undermined if the East Timorese people are denied this fundamental right. We appeal to the Indonesian Government to abide by the statement in which it gave its consent at this year's United Nations Commission on Human Rights to continue investigating the Dili massacre of 12 November 1991, those still missing and the circumstances surrounding the matter.

Finally, we ask that Indonesia continue to dialogue with Portugal and the legitimate representatives of the East Timorese people, including its imprisoned leader, Xanana Gusmão, under the auspices of the United Nations, with resolve and goodwill, to settle this tragic and unnecessary conflict. Let disappearances and abuses in East Timor end. Let the mothers grieve no longer.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Elisa Maria Ramos Damião (on behalf of Ms. Maria Teresa Santa Clara Gomes, Member of Parliament, Socialist Party, Portugal) took a place at the petitioners' table.

The Chairman: I call on Ms. Damião.

Ms. Damião: Since 1977, Portugal, in its capacity as administering Power of East Timor, has repeatedly informed the Secretary-General that the occupation by the armed forces of Indonesia, a former victim of colonialism converted into a violent colonizer, continues.

Again and again Portugal has been prevented from performing its duties towards East Timor, a Non-Self-Governing Territory under its administration. In particular, it has been unable to secure the right of the people of East Timor to exercise free choice with respect to their future through a referendum.

Once more, in assuming our responsibilities, we wish to recall those of the Special Committee.

Since 1975 the General Assembly has been demanding that Indonesia withdraw its armed forces from East Timor in accordance with Security Council resolution 384 (1975), thus far without substantive results. At its thirty-seventh session, the General Assembly adopted resolution 37/30 of 23 November 1982, entrusting the Secretary-General with carrying out consultations with the parties concerned, to explore the ways and means of arriving at an acceptable solution, and to report back to the Assembly at its next session. In the 11 years between 1983 and 1994, in spite of efforts of the Secretary-General, the General Assembly has been apprised only of the unsatisfactory results of his good offices.

Under the auspices of the Secretary-General, informal talks have been conducted at the level of Foreign Ministers, at New York in December 1992, at Rome in April 1993 and at Geneva in May 1994. Unfortunately, nothing has really changed in the life of the Maubere people, owing to the fact that Indonesia is only interested in polishing its international image, which has been recently tarnished by information from several sources concerning increasingly sophisticated human rights violations.

Just to improve Indonesia's image in international opinion, a group of journalists was allowed to visit the Territory last April, but always under escort. Reporting in *The Guardian* on 16 March 1994, a journalist said that the ruthless control apparatus built up by Indonesia since 1975 was still operating, and that there was a climate of terror, threats and war. A brief demonstration by a few young students in front of the journalists' hotel and another near the church, supporting Xanana Gusmão's struggle for the freedom of East Timor were scattered by police. Seven days later Indonesia announced six detentions for questioning. East Timorese sources report that 12 persons have been detained without specific charges.

Amnesty International says that these arrests were consistent with a long-standing pattern of short-term detentions and ill-treatment of real or alleged political opponents to Indonesian rule. Only one of these 12 detainees has been released. On 24 June 1994 it was reported that three students had been sentenced to 20 months in jail for staging a demonstration expressing their anti-Indonesia feelings in front of visiting foreign journalists.

In spite of the efforts of the Secretary-General, the Commission on Human Rights and the Special Committee on decolonization have been unable to stop the violence and repression. More than one third of East Timorese have been killed. The future of the remaining two thirds is our deepest concern. How long will they resist military and police abuses aimed at destroying by intimidation their identity, their culture and their hope in international solidarity, if that solidarity never materializes?

Since the Santa Cruz massacre, at least 400 Timorese have been detained without charges. Many of them have been denied access to their relatives, lawyers and the International Committee of the Red Cross (ICRC). International law on violently occupied territories recognizes the right to resist. Yet 20 Timorese have been sentenced to life imprisonment for subversion and other political crimes; three of them have been in detention since 1984.

Thanks to international pressure and to action by Indonesian human rights organizations, it has been possible to protect human lives and improve access to East Timor. Nevertheless, last year the military authorities imposed close monitoring on visits by the ICRC and foreign delegations.

Last January, Xanana Gusmão was punished with a temporary suspension of visits after it was learned that he had written letters to the Portuguese authorities and the International Commission of Jurists.

On behalf of the Portuguese people, as one of its representatives, I ask this Committee, with the gravest concern, to act, and act fast. Each year, each day, the unbearable postponement of an acceptable and dignified solution costs more and more suffering for the East Timorese.

Today the Committee heard credible international organizations testifying to genocide, sexual abuse and ethnic liquidation against the East Timorese. Such uncivilized behaviour in Bosnia has shocked the world, but in East Timor has been met by incomprehensible silence from powerful democratic nations, which seem to have different judgements of similar situations.

The capacity of the Timorese to resist violent invading rulers is astonishing. But we know, and this Committee knows, that the pursuit of Indonesia's intentions in East Timor is evidence of the increasing weakness of the United Nations in its attempts to secure peace.

In the light of those facts, we reaffirm the urgent need to create conditions within the framework of the United Nations for carrying out a process - incumbent upon Portugal as the administering Power - leading to the self-determination of the people of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Luis Manuel Costa Geraldes (Member of the Portuguese Parliament, Social Democratic Party of Portugal) took a place at the petitioners' table.

The Chairman: I call on Mr. Geraldes.

Mr. Geraldes: Nineteen years have gone by since Indonesia, a former colonial Territory which in the past fought honourably for its own freedom, invaded East Timor. The invasion of East Timor in 1975 violated the basic principles of international law; accordingly, the unilateral annexation of the Territory was never recognized by the international community.

On 12 December 1975, the General Assembly, at its thirtieth session, adopted resolution 3485 (XXX) concerning the Indonesian invasion, which recognized Portugal as the Power responsible for administering East Timor. On 22 December of that year, the Security Council unanimously - and I wish to emphasize the word "unanimously" - adopted resolution 384 (1975) on the same subject, which was drafted in similar terms, insisting that Indonesia withdraw its armed forces from East Timor and recalling the right of the Timorese people to self-determination and independence.

During the last 19 years more than one third of the Timorese people have been killed by the brutal and savage Indonesian police and armed forces. Since December 1975 fear, violence, repression, torture, disruption of family life and attempts to destroy the Timorese culture and its religious beliefs have been the order of the day in East Timor.

One has to be sufficiently adult to understand that life is not fair and just. But, may I ask, is this not too high a price for the Timorese people to pay?

The Secretary-General of the United Nations has declared 1994 the International Year of the Family. How does the honourable representative of Indonesia in this Committee feel about the constant atrocities committed by his country's armed forces against the families of East Timor? As a responsible human being, does he not feel ashamed? Does he sleep well at night? I am sure he does not, because I believe, and I am sure, that he is a citizen of the civilized world.

Indonesia realizes that the current situation in East Timor cannot be maintained indefinitely. The sign of nervousness shown by Indonesia during the recent conference in Manila is a clear indication that Indonesia feels very uncomfortable and very uncertain about the situation in East Timor.

The cause of East Timor has, indeed, gathered growing support around the world, both at governmental and non-governmental levels. The European Union has called repeatedly on Indonesia to put an end to systematic human rights abuse in East Timor and has stressed the need to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese, in conformity with the principles embodied in the Charter of the United Nations.

Awareness of the East Timor issue is also gaining momentum in the United States, both in the Administration and in Congress. Last year's cancellation of the sale of F-5E fighters from Jordan to Indonesia, the cutting off of funding for the participation of that country in the International Military Education and Training Programme and this year's suspension of the sale of lethal riot-control equipment are certainly positive steps. The two letters signed by 37 Senators and 101 Congressmen urging President Clinton to discuss the issue of East Timor with President Suharto on the occasion of the last Asia-Pacific Economic Cooperation summit in Seattle are also highly significant.

Under the auspices of the Secretary-General of the United Nations the Foreign Ministers of Portugal and Indonesia have held four rounds of talks. During the last meeting held in Geneva on 6 May, the statement issued contains certain important dispositions referring to the implementation of the recommendations contained in the Chairman's Statement on the human rights situation in East Timor, adopted last March by the Commission on Human Rights in Geneva.

Since 1992 the question of East Timor has reached a different level of discussion at the Commission on Human Rights. The nervousness shown by Indonesia at those meetings clearly indicates that the wind is blowing in a different direction.

However, notwithstanding the positive steps referred to above, Amnesty International, in its annual report, repeatedly reports serious human rights violations in East Timor.

Last April a group of journalists who were allowed to visit East Timor under escort also reported that harassment, detention and torture remained part of everyday life and that there was a climate of fear and horror. The report made by the journalists and those made by Amnesty International surely indicate that Indonesia is a nation of two faces, one for international consumption and the other of internal horror and brutality. I therefore urge the international community, and appeal to it through this Committee, to adopt more drastic measures to stop the long and painful suffering of the people of East Timor.

Finally, I wish to leave the members of the Committee with a statement made by Bishop Belo, the Apostolic Administrator of Dili, in a recent newspaper interview:

> "Indonesia's military presence in East Timor generates a climate of fear, and nothing will change until the people of the Territory can determine their own future."

It is very simple. This is the key to stopping the pain and suffering of the people of East Timor.

In conclusion, I wish to thank the Committee for its patience in listening to me, and may God bless all men of good will.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Narana Sinai Coissoró (Member of Parliament, Social Democratic Centre Party (CDS)) took a place at the petitioners' table.

The Chairman: I call on Mr. Coissoró.

Mr. Coissoró: My name is Narana Coissoró. I am a Member of the Portuguese Parliament, the Assembléia da República.

So far today we have heard 20 statements by petitioners who have given the honourable members of this Committee the true record of Indonesia, which is, to tell the truth, the Javanese imperialist invasion of East Timor from 1975 to this very day. It is a history of the tragedy which has befallen the martyred nation of East Timor, a history of day-to-day violations of their rights and dignity as individuals and peoples by a militarily strong neighbour that abuses of its strength and power to impose its tyrannical and arbitrary rule on the defenceless but proud Maubere people, which is now the largest population to suffer colonial rule after the fall of apartheid in South Africa.

In addition to all the atrocities reported today, we have to refer to religious abuses, as Muslim soldiers and officers have profaned churches and committed sacrilege by violating sacred rules, interrupting masses, spitting on altars and resorting to repugnant practices of scorning the sacred communion in Dili's churches. One cannot imagine that at the end of the twentieth century a State recognized as a member of the international community and a Member of the United Nations could adopt such behaviour, which must be considered barbarous and uncivilized, transforming East Timor into an experimental ground for military violence and an arena for Muslim fundamentalists to offend the religious rights of Catholic believers of East Timor. The free world has to denounce what the Bishop of Dili, Mr. Ximenes Belo, called a routine nightmare, invoking the need to give the Maubere people the last word in deciding the future of East Timor.

The question of East Timor must be seen in the context of the inability of the international community to impose respect for human rights and the right of peoples to self-determination. This is an alarming situation the world over, from Africa to the former Yugoslavia and to Asia. But if this panorama is regrettable, it is intolerable when great Powers abuse their strengths to serve their interests.

The situation in Rwanda is not the same as that of East Timor. In the first case, there are internal forces that are fighting each other. In the second case, there is a great military Power that abuses its strength and its international connections to smash a small people. It invaded and occupied the territory and proclaimed its annexation, acts which were all condemned by international law. It killed hundreds of thousands of East Timorese, a crime of genocide which could and should in due time be judged by an international court. It is unacceptable that great nations, such as Australia or the United States, accept this situation in the Pacific at the same time as they claim to be extremely worried about Africa or Yugoslavia. We appeal to them to place respect for international law and fundamental morality above their interests. We vehemently recall that if the United Nations does not protect the weaker peoples they will be defenceless before lawless violence. This is the appeal we make here today in the name of a people that is close to extinction as a result of the Indonesian invader.

The time has come for the United Nations to take a firm stand against Indonesia and restore the rule of self-determination, which is the first step to recognizing the dignity of the East Timorese people.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Miguel Urbano Rodrigues (Member of Parliament, Communist Party, Portugal) took a place at the petitioner's table.

The Chairman: I call on Mr. Rodrigues.

Mr. Rodrigues (Member of Parliament, Communist Party, Portugal) (interpretation from French): At this session, when petitioners of various nationalities come before the decolonization Committee to denounce the situation in East Timor and to call for a solution enabling the Maubere people to exercise their right to self-determination and independence, we are brought face to face with an example of the international community's inability to ensure respect for the United Nations Charter.

For more than 18 years the Government in Jakarta has been defying resolutions of the General Assembly and the Security Council condemning the invasion of East Timor. I shall venture to draw the Committee's attention to aspects of the current impasse resulting from the strategy of Indonesian imperialism. Indonesia is pursuing a policy that makes that republic an outlaw State.

In 1994, as in 1993, its Government made commitments at the Commission on Human Rights in Geneva which again have not been honoured. In his talks with the Portuguese Government Foreign Minister Ali Alatas has asked for confidence-building measures. Yet in East Timor the occupier persists in a policy of violating human rights and fundamental freedoms.

The last report of Amnesty International on this topic is very clear, as are the declarations of parliamentarians of various countries that have visited the Territory. The Committee today heard the statement by the representative of Amnesty International, reporting very grave facts; the impressive testimony of Mr. Constancio Pinto, who listed Indonesian atrocities, including the murder of a young man named Marcelo; and the statement of Mrs. Tolfree, from Britsol, England.

John Pielger's film on the killings in the Dili Hospital after the Santa Cruz massacre has had a major impact throughout the world. Several weeks ago in the Portuguese Parliament we listened to an account of these monstrous events given by Timorese who were at the hospital and to a description of tortures to which they were subjected. Portuguese deputies also listened to the testimony of the Swedish parliamentarians who visited Dili and found an atmosphere of terror imposed by the occupiers.

The Government of Indonesia also intervenes overseas through lobbies and pressure on certain Governments. One example was the attempt to prevent the Manila Conference. Fortunately, the independence of the Supreme Court Judges in the Philippines and the firm positions taken by eminent personalities, such as Cardinal Jaime Sin of Manila, turned that Conference into both an act of international solidarity of extraordinary importance and a denunciation contributing to making millions of people throughout the world aware of the crimes committed in East Timor by the regime of General Suharto. A similar solidarity conference is being prepared in Malaysia, so we expect new pressures from the Jakarta regime on the Government in Kuala Lumpur.

The other aspect of the problem to which I wish to draw attention is the complicity which has allowed the Republic of Indonesia to create a situation which deprives the people of East Timor of the ability to exercise their right to self-determination and independence. Without the illegitimate support of some of the major industrialized Powers and powerful international organizations, Indonesia could not its policy of constant intransigence, defying the universally accepted principles of international law.

I wish to give as an example of black humour the attitude of the European Commission, which added the name of Mr. Ali Alatas, General Suharto's Foreign Minister, to the list of outstanding humanists, such as the Nobel Prize winner Oscar Arias; Mr. Alatas was among those given the title of "promoter of universal models of human rights". Even more shameful, Mr. Jacques Delors chaired the meeting which elevated as an exemplar of human goodness the Minister responsible for his country's policy in East Timor, a policy of violence and genocide.

Several Governments, including those of the United States, the United Kingdom, Japan and Australia support the regime of General Suharto - the dictatorship of Javanese imperialism - either directly or indirectly. Last week human rights organizations staged a demonstration in Paris outside the World Bank to protest financial support for Jakarta by countries of the pro-Indonesian Consultative Group. They did so because in 1993 Indonesia received more than $5.1 billion in various forms of aid and investment, and it hopes for even more this year. This is indeed a prize for a country whose regime defies what Western democracies regard as fundamental principles and values.

The United States Government's support for Indonesia is the most important, the most scandalous and the most immoral of all. The State Department's report on the Indonesian situation in 1994 helps clarify the foreign policy contradictions of the Power that aspires to establish a new world order. While emphasizing that the Indonesian economy shows great dynamism, the report paints a terrible picture of the regime: autocracy, corruption, torture, guerrilla warfare in Timor, in Irian Jaya and Aceh, oppression of minorities and nepotism. The many references to East Timor give us official confirmation that Washington recognizes that arbitrariness rules in Dili and that the trial of Xanana Gusmão was a judicial farce. The State Department acknowledges that it is well aware of what is going on in East Timor. Nevertheless, the United States regards as a *fait accompli* Indonesia's annexation of the Territory, thus adopting a position in defiance of United Nations resolutions on the question.

This policy goes back a long way. The truth cannot be concealed. The United States has encouraged and supported the invasion of East Timor, closing its eyes to the genocide that followed the occupation. This fact is recalled in detail in the preface by Mr. Noam Chomsky, an eminent American, to the book entitled "Dili Tomorrow", by Mr. Ramos Horta, one of the leaders of the Maubere Resistance. Most notably, Chomsky recalls that President Gerald Ford and Henry Kissinger went to Jakarta in December 1975 to give the green light to the invasion. The action of the United Nations was then blocked by Washington.

Ambassador Patrick Moynihan, in a telegram sent on 23 January 1976 to Secretary of State Kissinger stated that he had successfully carried out his secret work. "The United States", he writes in his memoirs,

> "wanted things to develop as they have developed and has worked to that end. The State Department wanted the United Nations to be totally ineffective as regards any measure to be taken. This task was entrusted to me and I carried it out with not inconsiderable success."

The Pulitzer Prize-winning American journalist Rod Nordland, after a visit to Dili, summarized the tragedy of the Maubere people in a newspaper headline: "Timor continues to be a land of hunger, oppression and poverty."

He is right. Yet one must not sow confusion. One must differentiate between the Javanese empire under the dictatorship of General Soeharto and the people of Indonesia, who deserve our respect. Likewise, the people of the United States are not responsible for the complicity of the American Government with the Government in Jakarta. I would like to pay tribute to the solidarity of major American newspapers such as *The New York Times* and *The Washington Post* with the struggle of the people of East Timor for self-determination and independence.

All imperialist aggression deserves to be condemned. I am one of those who believe that the day will come when the East Timorese people will be free, when it will attain the major objective for which it has fought with tenacity and heroism for more than 18 years of occupation and terror. I hope - the people of Portugal hopes - that the United Nations Special Committee may contribute to ensuring that that day will dawn as soon as possible.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Fransisco Xavier Amaral took a place at the petitioners' table.

The Chairman: I call on Mr. Amaral.

Mr. Amaral: My name is Fransisco Xavier Amaral. I am the former chairman and founder of FRETILIN, the East Timorese Liberation Party, and I later became the first

President of the Democratic Republic of East Timor. I would like to thank the Committee for this opportunity to speak on East Timor. I would also very much like to take this opportunity to express my sincere appreciation to the United Nations, to the various Governments and non-governmental organizations and to all people who have given their time and have worked on behalf of the East Timorese people. These efforts and consideration are not unrecognized by the East Timorese.

I have not come to this Committee to condemn or speak against any individual or people. For I must believe that the actions taken by those involved were sincere and based on the belief that, at the time, those actions were correct and just. Nevertheless, since the debate on the status of East Timor emerged on the international scene, I have noticed the tendency to view East Timorese history as having begun in 1975. Before that time, East Timor seems not to have existed and remains a mystery to the world. But we did exist. We were a colony of Portugal for 450 years. Sadly, having been forgotten by the world for so long, we have now emerged as an issue to be used by some to pursue their own agendas, again at the expense of the real interests of my people. This makes me both sad and angry, and that is why I have asked to speak here today.

The presentation of facts concerning East Timor has for the most part been one-sided, made by people who like to indulge themselves with the sound of their own voices and notions of what occurred. But if we are to be privileged to hear the facts of what has happened to East Timor, then let us have the full story. We must acknowledge the cruel colonial experience of the East Timorese, when the Portuguese came from the other side of the world to oppress, exploit, divide and kill my people. It was Portugal that, in 1975, instigated the fighting and killing among the Timorese, turning brother against brother, and son against father. It was Portugal that deliberately left us in a state of civil war, washing its hands of our fate. This I know because I was one of the main participants in that civil war, struggling for the independence of East Timor.

If I may, I would like to relate some of my own experience, which has become linked with the history of East Timor. In 1946, following, the Second World War, when I was 11 years old, there was a large deportation of more than 1,000 Timorese to the island of Atauro. These people were considered dangerous because they could read and write. Only 200 of them survived, including two of my cousins, one of whom is still alive. For the head of my brother, who escaped this prison, the Portuguese Governor, Captain Antonio Maria Da Serpa Rosa, offered a good reward.

In 1956, in the aftermath of an uprising, a good number of women, children and old people were gunned down by Portuguese soldiers on the beaches of Watulari and Watukarbau. Others were deported to Angola, Mozambique and Portugal.

History also shows that Portugal did not want United Nations involvement in East Timor after proclaiming it to be an overseas province. In fact, it was written in the Portuguese Constitution that Portugal remains attached to its responsibilities towards the decolonization and independence of East Timor. It was only after events took an unexpected turn that Portugal turned to the United Nations.

Today, certain Portuguese politicians persist in pursuing their own agendas, and in the process try to sell our dry bones to get what they want. Do they really believe that the East Timorese can survive another civil war? God forgive me, but I do not believe so. I am convinced that if Indonesia, like Portugal, abandons East Timor that will only plunge us into another civil war with perhaps even more dreadful consequences than the first one.

Let us look clearly and realistically at what is happening in East Timor today. Once again there are people who, by holding out false hopes and unfounded dreams, are turning the Timorese youth against each other, just as they did to my generation. Our 450 years of bitter experience is apparently not enough time for them to learn the lesson. We must ask why. To me the reason is clear. The East Timor issue has become a "political commodity" to be exploited to suit vested interests.

Let us look at some of the claims that are being made. It is said that East Timor is a closed territory. Not true. East Timor is in fact open to serious and fair-minded visitors and professional human rights organizations. It has been visited by foreign journalists, members of parliaments, diplomats, the International Committee of the Red Cross and many other organizations. And in fact, while some of the reports of journalists have not been complimentary, the very fact that those reports were possible is testimony to the openness of East Timor. But I must admit that, in one respect, East Timor is closed. It is closed to foreign activists and politicians whose main goal is not to obtain a first-hand view of the situation but to manipulate the facts to their own interests. Had I, in fact, been a member of

the Government I, too, would have restricted their access, which can only be seen as a form of blackmail, pure and simple.

Much attention has been directed by the international community to the tragic Santa Cruz incident, which took place on 12 November 1991. How did this happen? The communiqué of the FRETILIN secretariat issued on 24 February 1994 itself stated that the incident took place in a climate of extreme political and social turbulence, while confirming the presence of provoking elements within the crowd. My own inquiry, in which I contacted Timorese who were either directly involved as demonstrators or bystanders who witnessed the incident, also confirmed that the demonstration was wild, unruly and provocative.

I have not the slightest intention to justify the shooting. I deeply regret the incident. It was the blood of my Timorese brothers that was spilled in Santa Cruz. But this profound regret was also shared by the people of Indonesia as well as President Soeharto, who has taken measures to prevent the recurrence of such an incident. Yet, there remain people who continue to use this incident for whatever purpose they may have against Indonesia. The nauseating thing as they go about this is that none of them has condemned the people who were behind the scenes manipulating these youths, who were still at the dawn of their lives, into a situation of potential harm.

These people still continue to hold out false hope to the youth of East Timor. They willingly sacrifice young lives as they scheme, manoeuvre and seek leverage with Jakarta. I had occasion to speak with one of the young survivors of Santa Cruz and to ask him why he involved himself in political demonstrations. He said proudly: "As a young Timorese, I have to fight for independence." "You are too young to know what independence is all about and all its consequences", I said to him. To which he replied: "Never mind." I continued to ask him if he was sure independence would come soon. "Yes", he replied, "because according to the news, I heard the Portuguese members of Parliament will come to East Timor with the members of the United Nations". "How?" I asked. "Do you really think the Portuguese will put political will and resources into putting an end to a new civil war? I don't believe so, because they abandoned us once before in order to get rid of us, whom they considered a burden in those days. Look at Angola and Mozambique now. Are those Portuguese and those activists really helping to stop the suffering there?" There was no reply. I am sure that if the same question were put to the international community, the reply would be the same.

The reason I relate this story is to illustrate to the Committee that the false hopes and dreams that are offered to the young people in East Timor have dire consequences. Here, in this Committee, we may indulge ourselves in debate on questions of right or wrong, and on whose interpretation of history is correct, after which time we fold our papers away, enjoy a good meal and turn to other preoccupations. For the young people of East Timor, however, such illusions call for the action of youth and prompt them to commit acts and risk their lives in a hopeless and questionable venture; and some at Santa Cruz made the ultimate sacrifice.

I myself fought for the independence of East Timor and in fact was among the few who began and led the fighting. But now I am proud to say that, having analyzed all the pros and cons of the best way for East Timor to continue, I consciously accepted Indonesian citizenship and for East Timor to be united to the other provinces of Indonesia. After all, Indonesia is a country of 360 ethnic groups. We East Timorese belong to the same ethnic group as those living in West Timor, a part of the Indonesian family since independence in 1945. Our ancestors were divided not because they wanted to be, but as a result of colonial design.

Should we continue to spill our blood, sacrifice the lives of our young people and lose all hope for the future? Should we sacrifice lives because we have been prompted by foreign politicians and activists who remain safe and secure and when all is said and done will write a fine eulogy for East Timor, express their regrets and move on to the next crusade in which failure offers limited risk to themselves? Or should we realize that Indonesia's concern with East Timor has brought development, a hope for stability and an end to 450 years of occupation?

In conclusion, to my Timorese friends I would appeal that we Timorese stop listening to the promises and empty dreams given by politicians and their international friends. To be sure, many who work on behalf of East Timor do so out of sincerity, and I do really appreciate the efforts they make. Indeed, we are all ultimately working towards a better world. But for the Timorese, I believe we must recognize that the greater interests of global politics and of the big Powers dictate our future. And if we are to secure for our children a better life, then our course must be through integration with Indonesia and, as Indonesians, to work for our common prosperity.

Integration means not only that East Timor belongs to Indonesia, but that the whole of Indonesia belongs to East

Timor. And although Indonesia is a developing country, at least it is willing to share whatever limited resources it has to build East Timor. Our Timorese youth should be pushed hard to construct, not destroy, their future, and to build our native land, East Timor in particular and Indonesia in general. This is the dream that we should work on and realize. This is the surest way we can survive and prosper in this less than perfect world.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Paulino Gama (Timorese International Secretariat for Human Rights and Timorese Prisoners' Fraternity) took a place at the petitioners' table.

The Chairman: I call on Mr. Gama.

Mr. Gama: I am the former operational commander of the Armed Forces of National Liberation of East Timor (FALINTIL), the armed wing of the Revolutionary Front for an Independent East Timor (FRETILIN), and I spent 10 years in the mountains of East Timor, from 1975 until 1985, opposing the presence of the Indonesian administration in my homeland.

In 1990, I managed to escape from Jakarta to Thailand and founded two East Timorese human-rights organizations: the Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity. I then decided to seek new ways of protecting the physical integrity of my own people from abuses committed by some Indonesian authorities.

After the Santa Cruz incident of 12 November 1991, the Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity strongly denounced the behaviour of the Indonesian military, but acknowledged the immediate initiative of the Indonesian central authorities to carry out the investigation and to find those responsible for the tragic event.

Finally, after cross-checking Indonesian reports with ones we made on the spot, we recognized that the incident was the isolated act of certain individuals and that it was due to circumstances of place, time and motivation resulting from Portuguese interference from a distance.

The people of East Timor today are more confident of a growing respect for their human rights, as the Indonesian authorities are implementing the recommendations made by the United Nations Commission on Human Rights, not only in East Timor but also throughout Indonesia. And recently, the Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity were promised permission to act openly in East Timor. We hope soon to open a small office headed by well-known Timorese human-rights activists.

We must gradually continue to free ourselves from this lengthy tragedy. We must change the nature of the dialogue between Portugal and Indonesia in order to allow for a comprehensive solution for East Timor, one that would include Timorese representation and that would be historically recognized as far back as 1975.

The Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity therefore unconditionally support the initiative of the Secretary-General to implement confidence-building measures between Portugal and Indonesia in order to reach the best possible solution for our people's stability, harmony and progress.

I trust that this Committee will also make its contribution to helping the United Nations perform its role of preserving peace in a very important part of the globe.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Sidney Jones (Human Rights Watch/Asia) took a place at the petitioners' table.

The Chairman: I call on Ms. Jones.

Ms. Jones: As you know, we at Human Rights Watch/Asia, which was formerly called Asia Watch, take no position on the political status of East Timor, but we believe that full knowledge of the human-rights situation there must inform the Committee's deliberations on the issue of decolonization.

East Timor is neither a Rwanda nor a Bosnia. It is a place, however, where arbitrary detention and torture are routine, and where basic freedoms of expression, association and assembly are non-existent. Disappearances and politically-motivated killings have become relatively rare, but they do still occur. When cases are reported, controls on information and access to the Territory are such that it is virtually impossible, even for Indonesian non-governmental organizations, to conduct investigations that would meet international standards for impartiality and thoroughness. The Indonesian Human Rights Commission,

which, for all its many flaws, has at least been a useful sounding board for complaints from the Indonesian public, had not, as of June 1994, visited East Timor officially or looked into any of the many reported cases of human-rights violations there.

The Indonesian Government has recently taken some steps for which it deserves credit. We welcome, for example, the visit to East Timor, just concluded, of Mr. Bacre Waly N'Daiye, a distinguished Senegalese lawyer who is currently Special Rapporteur on Summary and Arbitrary Executions. But at the same time, we note that East Timorese sources tell us repeatedly of the extensive security preparations taken by the Indonesian military in advance of high-profile visits of foreigners. These preparations often involve the rounding up of potential "troublemakers" - and we understand, in fact, that this happened before Mr. N'Daiye's visit. Residents of areas the group or individual is likely to visit receive warnings, and officials book most of the rooms in either of the two hotels in Dili where the visitor is likely to stay.

On June 30, the Indonesian Government, through the intercession of the International Committee of the Red Cross (ICRC), also allowed the family of resistance leader Xanana Gusmão to visit him in Cipinang Prison, Jakarta. It was the first time in almost 20 years that Gusmão had been able to see his wife and two children, now residents of Melbourne, Australia. That humanitarian gesture was welcome, but it came after Gusmão had been in prolonged solitary confinement in Cipinang, without access to visitors or newspapers, allegedly as punishment for smuggling out letters to supporters. This kind of treatment is in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

We also note with regret the decision of the Indonesian Government to move six East Timorese sentenced in connection with events in October and November 1991 from Dili to Semarang, where they will have no access to friends and family.

Overall, the human-rights situation in East Timor continues to be grim. As we noted earlier, new cases of disappearances are rare, but there are hundreds of outstanding, unresolved cases, and no progress has been made in accounting for those who remain missing in the aftermath of the November 1991 massacre or indeed in more recent incidents.

In May 1994, relatives of Gaspar Carlos in Dili revealed to a visitor that he remained missing after his arrest by military intelligence, known locally as Satuan Gerakan Intelejen, or SGI, on 3 September 1992, just prior to the summit meeting in Jakarta of the Non-Aligned Movement. Aged 30 at the time of his disappearance, Gaspar was an employee in Dili of Bank Bumi Daya. His family was told by the military that he had been arrested as part of security measures being taken in connection with the Jakarta summit, as he had been planning to go to Jakarta with a few others to present information to representatives of the Non-Aligned Movement about the situation in East Timor. Gaspar was taken to the SGI office in Colmera, Dili, and from there a few days later to the Comarca prison in Balide, Dili. Shortly thereafter, he was taken out of the prison at night and has not been seen since. The family has made repeated inquiries to the military in Dili and recently sought help from Indonesia's National Commission on Human Rights. His wife and two children remain in Dili. As his employer, Bank Bumi Daya, fired him after his arrest, the family has no regular source of income.

I am not going to refer again to some of the incidents that my colleagues have mentioned, but I should like to make a point about access to East Timor by human rights organizations. Despite the claims of Indonesian Foreign Minister Ali Alatas in early May that he was inviting Amnesty International and Asia Watch - now Human Rights Watch/Asia to visit East Timor, no human-rights organizations have been given access since Asia Watch and the International Commission of Jurists were allowed to attend selected sessions of the Xanana Gusmão trial in March 1993. We were explicitly refused permission to visit East Timor in June 1994.

It is not only international human rights organizations that have difficulty getting to East Timor; Indonesian human rights organizations do as well. In early May, a seminar on the topic of sustainable development and the environment was due to take place at the University of East Timor, sponsored by a number of Indonesian non-governmental organizations, members of a coalition called the Joint Committee for the Defence of the East Timorese. This includes some of Indonesia's most respected non-governmental organizations on human rights, such as the Legal Aid Institute, the Indonesian Council of Churches, and Institute for Social Advocacy and Study (ELSAM). A week before the seminar was to take place, the military commander for the region that includes East Timor called the university rector and told him the conference would have to be postponed. When it took place, the Indonesian non-governmental organizations were not permitted to attend, nor was an East Timorese member

of ETADEP, an East Timorese environmental organization, by the name of Florentino Sarmento.

In short, East Timor remains a troubled place where human rights abuses continue. Greater openness - defined as freedom for East Timorese to gather in private houses without permits and to express their own opinions freely, unhampered access by foreign journalists, less control over foreign visitors, and access by international human rights organizations - would almost certainly help prevent such abuses and ensure some form of redress for victims. But if the last few months are any indication, the trend is not towards openness but the reverse. The closure on 21 June of three important news weeklies in Jakarta has implications for East Timor as well, because it suggests a desire to control information that the politically powerful find offensive. Restricting information prevents problems from being aired and solutions from being found on all fronts, not just human rights. For East Timor as well as for Indonesia proper, that may prove very damaging indeed.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Martins III (Timorese Liberation Organization) took a place at the petitioners' table.

The Chairman: I call on Mr. Martins.

Mr. Martins (Timorese Liberation Organization): It is my understanding that on 13 July 1993 Mr. José Luis Guterres addressed this Committee with an East Timorese dignity that jeopardized the role of outsiders who use the name of our people to garner international fame for themselves. In that way, Mr. Guterres enhanced the efforts of the Secretary-General to teach all Timorese first of all to build a platform of mutual dialogue that will enable Portugal and Indonesia to find a fair, internationally acceptable solution for East Timor.

Indeed, my question is how we can solve the case of East Timor if we - the victims and protagonists of the civil war provoked by the irresponsibility of the Portuguese authorities in 1974 - are irreversibly opposed to one another. How can the good will and honest intentions of the United Nations create the conditions that would bring Portugal and Indonesia together when all the real political leaders of East Timor will not face each other across the table with no interference from any quarter?

I am the oldest political veteran of East Timor politics. As early as 1962 I was a political prisoner of the Portuguese colonial Power. I am therefore the person who can dismiss every one of the assertions and arguments that have been put forward, including by all Portuguese political parties and international groups, by proving that a decolonization process never occurred in East Timor, but only a simple conspiracy to pit East Timorese against East Timorese in a bloody, inhumane civil war just to please foreign interests engaged in the struggle between communism and democracy.

As I write this statement, I am not sure whether Mr. José Ramos Horta will be attending the Committee's session; if he does, perhaps we could set up an informal meeting of blood-brothers to establish the most important target that world opinion expects from us all: respect, service and sacrifice for our beloved East Timorese people, the only human group that has been smelted by continuous holocaust for 500 years.

Ze Horta and I have always understood one another's political positions; we were even companions in the resistance for many years. José Horta, however, has been compromised by a 20-year relationship with people whose aim is to use East Timor against Indonesia, as he knows very well. I myself decided last year not to contribute any longer to a resistance whose leaders, technically, financially and ideologically, are no longer true *Asuains Barani* of East Timor: Indonesia has greatly improved in its respect for the integrity and welfare of our people, and we have guarantees that the sad case of the 12 November incident at Santa Cruz, caused by personal initiative on the spot owing to the public-order situation, will not be repeated.

My brethren in my organization have the highest East Timorese qualifications and the resistance background to talk to world opinion. Mr. Xavier do Amaral was President of the Democratic Republic of East Timor; he saved many lives and was nearly martyred by radical revolutionary members of the Frente Revolucionária de Timor Leste Independente (FRETILIN). For 10 years, Mr. Paulino Gama was the most qualified guerrilla commander and created the Timorese partisan *maquis*.

For the first time in our contemporary history, three top leaders in the East Timorese process who were ideological enemies on the battlefield are waiving all personal interest in order to create conditions in which Portugal and Indonesia can allow our people finally to have peace, order, harmony and development. Moreover, the current Portuguese Minister for Foreign Affairs has shown true statesmanship by listening to various Timorese opinions.

All three of us have a goal: to respect Indonesia as our age-old ancestral tree, our common biological and human source, and to honour Portugal for its gentle light of christianity at a time when our ancestors were being exterminated on a large scale by colonialist terror and violence.

Today, some people want to discuss the Indonesian presence in East Timor over the past 18 years. But who among them cares about understanding our tragic submission to Portuguese colonialism, under the most horrible circumstances, at a time when there were no mass media or international forums? We are the protectors of our people's survival and continuity, and we want peace and harmony with the Indonesians, the Portuguese and the world; we do not want to sacrifice our people to minor gods of agitation and exploitation.

I dare to think that among the honourable Committee members some may be originally from States which were subjected to colonialism in the past, with the consequence that parts of their own peoples were arbitrarily "transferred" to political borders found to be ideal by foreign Powers with no respect for ethnic and original language patterns. This is certainly a drama which is often at the root of permanent conflicts.

The case of East Timor is similar. The Dutch and the Portuguese, with no permission whatsoever, divided the island of Timor in two parts just to consolidate their own exploitative colonial interests. Since 1914 we, the Timorese, have had to close our eyes to arbitrary sanctioning, in Switzerland, of the division of Timor Island between Portugal and the Netherlands as a result of the illegal private sale, in 1851, of Flores, Adunara, Solor, Alor and West Timor by the Portuguese Commissar Lopes de Lima to the Kupang Dutch Resident.

We are, in fact, tired of business behind our backs, and we also we have to say that Portugal never respected the conditions agreed with the Liurais of East Timor "to protect the Territory with full respect for its own peoples". East Timor was abandoned by Portugal at the precise moment when we were struggling in a dirty civil war caused by Portuguese revolutionaries. In 1975, when I asked the last Portuguese military officers, before they moved into Indonesian territory, who were now going to defend the Portuguese flag hoisted in Batugade, the answer was,

> "You, the Timorese, must be the ones to take care of yourselves now. Our mission here is over. There is no way back to restore conditions of peace because you, the Timorese, will never be at peace among yourselves. It is the tradition."

And that, in part, is true. We were divided by Portuguese colonialism to kill our own brothers in order to sanctify Portugal. And the result was not only dramatic but also horrible: we had to choose between a new protecting Power like Indonesia, our natural human and biological grouping, or self-extermination.

At the request of Portugal, at the Rome meeting on 1 and 2 November 1975, Indonesia was forced to establish peace and order. Our four parties, replacing the Revolutionary Front for an Independent East Timor (FRETILIN), chose integration, knowing that it would take at least two generations to finally breathe prosperity and peace after a 500-year period of emotions, suffering, glory and death.

Therefore, the sole important question is this: Shall we continue to provoke and offend Indonesia, our saviour from chaos and disorder, or should we ask Indonesia to promote a happy future of brotherhood and common identity for our people in all fields of human progress, respect and development?

After 19 years of abandonment, Portugal is a respected and honoured country whose behaviour in the world is heroic, notwithstanding a criminal process of general delivery of its overseas peoples to neo-dictators. But today Portugal could never help us to be independent, because we are already independent through our decision to ask Indonesia to preserve us from new forms of colonialism aiming to destroy us through more divisions and civil strife.

Who is really independent today, unless it is the rich States of the northern hemisphere? The independence of East Timor would be impossible because, first, we are divided and under continuous ideological and political opposition; secondly, unless we sold our independence to foreign exploitation and domain, we could not feed ourselves, because of the erosion of our forests and the 60 per cent incapability of our soil for quick new harvests; and, thirdly, we would be forced to become a spot for internationalization of conflict at the entrance gate of Australia and a permanent point of reference to destabilize large areas of southern Asia, creating difficulties for a new *entente cordiale* between the States along both coasts of the Pacific. This last point is, in fact, part of an international movement from some militant areas aimed at destroying

Indonesia and possibly part of the Philippines as sovereign States.

We struggle for the cooperation and benefits of Western civilization in South-East Asia, with major emphasis on the United States of America, along with Japan, China, Korea, the European Economic Community and even Canada, Australia and New Zealand. The attainment of this goal will make it possible to bring direct and quick advantage to many States of the third world which have the responsibility to let Western/Asian cooperation develop in peace for mutual profit; otherwise, we shall not be able to prevent cases such as those in Angola, Mozambique, Somalia, Biafra, Ethiopia and so on. The time has arrived for an international order based not on ideological options but on the supremacy of know-how, manpower, technology and solidarity for great objectives, such as to produce food, machinery, medicines and better standards of living and education.

Indonesia is ready to undertake its duties before the needs of humankind as the greatest State of South-East Asia. If East Timor is a problem for some persistent and stubborn groups made up of the same people who still want to restore the principle of a rotten socialism - which is, after all, the dictatorship of the party over the workers - for us, East Timor is moving steadily ahead towards happiness, as Indonesian central authorities are now totally committed to respecting the people of East Timor in all areas. In the past we built, and acted in, a resistance which was heroic but not aimed against our Indonesian brothers. It was set up against abuses and violence, and those responsible have today totally been restrained and have been removed from East Timor by the Indonesian central authorities.

Therefore, I ask of this wise and honourable Committee that it allow Portugal and Indonesia to act together, in accordance with the recommendation of His Excellency Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations. Obviously, this means that if we, the victims and protagonists of a historical process, do not sit down and talk, without foreign pressures and intervention, the case of East Timor will continue to be a burden for the United Nations in its role as a world forum which inherited the responsibilities resulting from Portugal's abandonment of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. John M. Miller (Solidarietà con Timor Est of Italy) took a place at the petitioners' table.

The Chairman: I call on Mr. Miller.

Mr. Miller: Founded in 1991, the Coordinamento Italiano dei Gruppi di Solidarietà con il Popolo Timorese - the Italian Coalition of Solidarity Groups with the East Timorese People - is a coalition that includes non-governmental organizations, local groups and individuals engaged in supporting the East Timorese people's struggle for self-determination. The Coordinamento promotes information and sensitization campaigns and solidarity projects.

If we examine the East Timor issue and relevant General Assembly resolutions and compare it with similar situations, such as those of Namibia, Belize or Western Sahara, we can point out the following: first, all four Territories are former colonies that a nearby powerful country - South Africa for Namibia, Morocco for Western Sahara, Guatemala for Belize, Indonesia for East Timor - has tried to subjugate, advancing territorial contiguity as an excuse to justify the annexation; secondly, in each of the four cases the General Assembly has passed resolutions that have acknowledged the right to self-determination as a means to reach complete independence; thirdly, two of those countries, Belize and Namibia, have become independent in full observance of their people's will; fourthly, in Western Sahara, on the basis of agreements reached by Morocco and the POLISARIO Front, the track through self-determination has already been opened - in fact, the United Nations has agreed to check the observance of the cease-fire and will assure support for a referendum in order to grant the people of Western Sahara the right to self-determination without any military or administrative constraints.

The Coordinamento Italiano dei Gruppi di Solidarietà con il Popolo Timorese, bearing in mind the continuous human rights violations in East Timor, of which the massacre at the Santa Cruz cemetery on 12 November 1991 represents only one of the many atrocities committed by the Indonesian forces of occupation, gravely concerned at the difficulties over access to East Timor by human rights organizations and other relevant human rights observers, deeply concerned at the pressures exerted by the Indonesian Government on the Philippines Government in order not to allow the international meeting of solidarity groups in Manila in May 1994, requests, also on the basis of General Assembly resolution 37/30, that the United Nations promote and guarantee the right of the people of East Timor to self-determination with processes similar to those adopted for Namibia, Western Sahara and Belize.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Luís Guterres (FRETILIN) took a place at the Committee table.

The Chairman: I call on Mr. Guterres.

Mr. Guterres (FRETILIN): FRETILIN, Front for an Independent East Timor, is grateful for this opportunity to address the Committee on the question of East Timor. I should also like to thank the various petitioners, including parliamentarians, that have given us a great deal of information about what is going on in their country in support of East Timor on this question. I was particularly happy to listen this morning to the newest member of the East Timorese network, Solidarity for East Timor, from the Philippines, a citizen of a neighbouring country that at least cares about what is going on in their neighbourhood.

It is also very interesting to note that for the first time we had the privilege of listening to different Timorese with an opposite point of view on this situation. I hope that next time the Indonesian military in East Timor can allow Mr. Xanana Gusmão to participate in the debate. I also hope that what happened on 12 November 1991, when young students went peacefully to demonstrate and express their different point of view about the situation and were killed by Indonesian soldiers, will not happen again. The presence of the East Timorese here is also a lesson that we can apply in Timor, as we appeal to the Indonesian authorities at least to listen to people with different points of view. I believe that if we begin in this simple manner, we can as soon as possible solve the question of East Timor.

For almost 19 years we have been resisting aggression and the military occupation of our homeland, without any material or logistical support from any country in the world, and we have been able to overcome all the difficulties. In 1979, with 90 per cent of our national leadership dead in battle or imprisoned, we were able to pass the banner of resistance to the younger generation.

In April this year we completed the process of reorganizing the external wing of FRETILIN. We had a plenary meeting with the participation of elected delegates representing members living outside East Timor. New members of the leadership were elected. Our aim is to reinforce the unity of the Timorese political and social organizations and of Timorese. We put aside any political differences in order to work together for a referendum in East Timor, supervised by the United Nations, as is being done in Western Sahara. One must recognize the courage of King Hassan of Morocco in accepting a referendum for Western Sahara. Why not in East Timor?

The Committee has been discussing this issue since the 1960s. The right to self-determination had already been recognized by Portugal in 1974. Under a Portuguese law of 7 July that year, the Portuguese officially established a mechanism for a transitional period towards independence, but extremist elements in the Indonesian armed forces, led by General Moerpoto, and associates in the Center for Strategic Studies were busy conspiring against East Timor, planning political and military intervention.

Since the beginning of the Timorese problem FRETILIN has appealed many times for involvement by the countries of the Association of South-East Asian Nations (ASEAN) in order to help bring a just solution to this problem in a neighbouring country. For example, when Indonesia accused FRETILIN in September 1975 of violating its territorial integrity, we made appeals to ASEAN members to send troops for joint control of the border area. But in ASEAN they prefer to ignore the plight of this tiny island. When Indonesia invaded East Timor, only a small State, Singapore, abstained on General Assembly resolution 3485 (XXX).

This year the Timorese cause has achieved more political support. But the main success was the Asia and Pacific Conference on East Timor, held in the Philippines. The recent foundation in Jakarta, by non-governmental organizations and personalities and intellectuals, of the Joint Committee on East Timor is also a remarkable turning point in our struggle.

A delegate of the Indonesian organization, Yaysan Pijar, said in Manila:

> "Our primary reason for coming to this conference is to extend our solidarity to the peoples of the world in winning justice and peace. Our first commitment is to justice: That the people of East Timor should have the opportunity to determine their own fate. Only then can there be peace between Indonesia and East Timor and the violence which has cost so many lives can be ended. We are here in this conference because we cannot refuse to see that East Timor is part of the democracy and human rights struggle in Indonesia.
>
> "Violence, repression and coercion in East Timor must be stopped in the name of our humanity, in the

name of the victims who have fallen on both sides. The cries of children who have lost their fathers and mothers, their relatives, are the same everywhere, in East Timor and in Indonesia."

Another politician, Philippine Senator Wigberto Tanada, said during the same conference,

"Why should we care about the plight of a relatively obscure and isolated people when there seems to be nothing to gain from this as far as our country is concerned? We should care because our sense of worth as human beings obliges us not to deny others their own humanity and human existence. When a country goes against the grain of human decency, it is right to protest and immoral to compute the cost-benefit ratio of protesting. To ignore injustice and oppression is to betray our humanity, to fail in our adherence to human rights and to subvert our conscience, which stands for what is good and just."

The invasion of East Timor by Indonesian armed forces has interrupted the natural development of our country and created disturbances in our economy. With regard to the environment, East Timor has suffered extensive deforestation. The use of defoliants during the military campaign has damaged much of the country's vegetation. The Indonesian-backed companies plunder natural resources such as sandalwood, and the army uses burning as a preventive measure against guerrillas.

With regard to the heath situation, East Timor has an infant mortality rate of 160 per 1,000 births. Mali and East Timor have the highest infant mortality rates in the world. An Indonesian health official admitted in November 1993 that at least 70 per cent of East Timorese children under five years old are malnourished. The Baucau Hospital and other health centres built by Indonesia are poorly equipped and have few medical supplies.

As to the economy, we agree that East Timor is country rich in resources. Oil and gas are its most significant resources, with a large reserve in the Timor Sea between East Timor and Australia.

This huge reserve has attracted multinational corporations from the United States, Australia, Japan and the United Kingdom. Twelve such corporations are now operating there. The Timor Gap Treaty for joint exploration between Indonesia and East Timor has been challenged by Portugal, the administering Power of East Timor, in the International Court of Justice. The Timorese community living in Australia has also challenged the Australian Government in the Australian High Court.

As we have often stated, our policy for an independent East Timor is to welcome the exploration of Timorese natural resources by multinational corporations. But at this stage we do not support any activities by multinationals in the Timor Sea.

In 1975, the leaders of FRETILIN and the UDT were invited to visit an offshore platform in the Timor Sea. We were informed by the former Governor, Brigadier-General Limospires, that East Timor would be exporting oil in 1977. But what is happening today in East Timor?

As we can see from recent conclusions by an Indonesian academic, Professor George Aditjondro of Salatiga University, the East Timor economy is practically controlled by the three generals who led the invasion of East Timor, Generals Benny Moerdani, Dading Kabualdi and Sahala Rajagukuk. They created the PT Batara Indra Group, which virtually monopolizes the entire economy of East Timor. Subsidiaries of this group monopolize each sector of the economy: PT Salazar in the coffee business, PT Scent Indonesia in the sandalwood oil business and PT Marmer Timor Timur in the marble quarrying business. Meanwhile, PT Fatu Besi Raya, another subsidiary, grabs the lion's share of civil engineering projects in East Timor.

Indonesia may be right when, in statistics published in various propaganda materials, it claims to have created thousands of companies and jobs. But those thousands of companies belong to Indonesian generals, not to the Timorese. The jobs are given primarily to Indonesian immigrants. For example, the international press recently reported on differences between the central Indonesian Government and their Governor in East Timor, Mr. Abilio Soares, who threatened to resign over the insistence of the Government in Jakarta on appointing a non-Timorese to a senior position.

From our point of view, the situation of the East Timorese is worse than it was before. At least in the past we had the freedom to cultivate our lands, to travel without any restrictions to any place in our country, to live in the land of our ancestors. But this is not happening today. That is why we are here.

This critical situation has been denounced by Indonesia's own protégés. Mr. Florentino Sarmentok, Director of the East Timor Association for Development

and Progress (ETADEP), who is also a member of Golkar, the Indonesian ruling party, said to Washington Post reporter William Branigin in April of this year,

> "The whole process of development is just a show for the outside world."

It is also important to note some of Professor George Aditjondro's other conclusions. He states that in East Timor the Indonesians concentrate the construction of infrastructure, particularly roads, bridges and harbours, in the regions where army activities are focused. In other, relatively more peaceful regions such as Ermera, Maliana and from the Maliana border region to Sohai, the condition of the roads is deplorable and there are hardly any bridges.

I will not elaborate on the human rights situation in East Timor because the speakers who preceded me have already denounced the situation. But I want to note one very important fact concerning Colonel John Lumintang, the new commander of the Indonesian troops in East Timor. In February, Colonel Lumintang accused FRETILIN of having killed a village chief.

As we have said in past years, we are not here simply to point a finger at the Indonesian delegation or the Indonesian Government or to ignore what the Indonesian military says about human rights violations allegedly committed by FRETILIN. We have suggested that we are prepared to work with the Indonesian Government or with the United Nations or other international human rights organizations in order to clarify this kind of situation. We defend human rights as a universal principle and it is not our position that killing our opponent is a good thing. Therefore, the Indonesian Government and other organizations can receive our full cooperation on that matter if they request it.

With regard to the military situation, the Indonesian military commander in East Timor, Colonel Lumintang, has stated that the FRETILIN resistance has only about 200 guerrillas with 100 or so weapons among them, and that there is an average of one encounter per month between soldiers and guerrillas. He also stated that only two Indonesian soldiers have been killed since September 1993.

Whatever our number, FALINTIL has been resisting for practically 20 years without any external support and will continue to do so until a political solution can be found. The public declaration of the Regional Commander in Bali to foreign correspondents that Indonesian troops will be reduced to six battalions has been challenged by the resistance. On 6 May we indicated the locations and recorded a total of 30,000 troops and security elements in East Timor. The full text of my statement contains the names of many of these battalions - battalions 112, 114 and 389. There are also the combat detachments Kopassus Group 2, Brimob, Kodim and Police. There are also indigenous teams such as Tim Siera in Baucau, Saka Team of Quelicai, Mkikit Team of Viqueque and Alfa team of Lospalos. From time to time, the Indonesians announce the removal of some battalions, but they are immediately replaced by others. In Dili alone there are 69 military posts, essentially to watch young people.

We oppose strongly any arms sale to Indonesia. It is with great concern that we see European and American companies selling warships and warplanes to Jakarta. All this modern equipment will reinforce military power not only in Jakarta but also in East Timor. As a small island and a country that has never received any material help, and whose aim is to defend its right in accordance with various resolutions of the Security Council and the General Assembly, we can only count on the solidarity of peace-loving organizations in these countries to help stop these sales.

To conclude, on the political situation in East Timor, Mr. Nino Santana, the leader of FRETILIN, has said:

> "The people of East Timor are aware that an attitude of inflexibility by the extremist will not favour a solution to the problem. For this reason, our method of struggle is based on moderation and flexibility, based on complete openness for dialogue. However, the Indonesian regime remains defiant, inflexible and arrogant. We remain ready to enter into a process of dialogue without preconditions with the view to exploring every possible solution beneficial to all parties involved."

On the Timorese side, a national consensus was established. This consensus was forwarded to the United Nations Secretary-General in February 1989 by Bishop Belo of Dili, requesting a referendum for East Timor. On 6 May, a round of talks in Geneva was followed closely by the Coordinating Commission of Diplomatic Front, a coordination body of Timorese Democratic Union (UDT), National Council of Maubere Resistance (CNRM) and FRETILIN. There are some positive elements in the final communiqué. Paragraph 9 states the readiness of the Foreign Ministers of Portugal and Indonesia to meet with the leading East Timorese supporters and opponents of integration.

The Timorese Coordination Committee of Diplomatic Front has already stated its willingness to meet with Minister Alatas. We firmly believe that the Timorese question must be solved by peaceful means and dialogue. That is why we continue to encourage the United Nations Secretary-General to pursue his mandate in order to speed up the resolution of the tragic situation of East Timor.

The petitioner withdrew.

The Chairman: I now invite the representative of Sao Tome and Principe to make a statement.

Mr. Ferreira (Sao Tome and Principe): I am speaking once again before the Special Committee on behalf of the five African Portuguese-speaking countries - Angola, Cape Verde, Guinea-Bissau, Mozambique and my country, Sao Tome and Principe - to express our deep support for the people of East Timor and for those who have been working tirelessly for an acceptable solution to this question.

Since the last session of the Committee, the situation in East Timor remains the same. The Government of Indonesia still does not want to give a chance to the people of this Territory to exercise their inalienable right to assert their freedom.

The group of five African Portuguese-speaking countries wants to express their concern on human rights violations by the Government's occupation force. The dialogue must continue and Portugal, as administering Power of the Non-Self-Governing Territory of East Timor, must be encouraged to continue its collaboration with the Government of Indonesia under the auspices of the Secretary-General, including the representatives of the people of East Timor, towards achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor.

We want to call the attention of the Special Committee to the fact that a number of East Timorese prisoners continue to suffer under the injustices of the Indonesian Government and that these prisoners must enjoy the right to receive fair treatment under international law.

In conclusion, we, the Group of Five, do not support the idea of settlement of conflicts by force and believe that a dialogue is necessary. We hope that one day the international community will see the authentic representatives of the people of East Timor assume responsibility for the destiny of their Territory. As in South Africa, the force of reason is much stronger than the force of oppression.

Organization of work

The Chairman: We have heard the last speaker for today. The Committee will continue consideration of the question of East Timor at its meeting tomorrow morning. Following the conclusion of that item, the Committee will take up during its two meetings the following items: Report of the Subcommittee on Small Territories, Petitions, Information and Assistance relating to the 10 Territories; the question of Western Sahara; the Special Committee decision of 15 August 1991 concerning Puerto Rico; the 101st report of the Working Group; foreign economic interests, military activities and arrangements; and the question of New Caledonia.

As the agenda is quite lengthy, I appeal to all members to be on time so that we can make maximum use of the time and the conference facilities available to us.

The meeting rose at 6.15 p.m.